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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,995	10/15/2001	Vernon T. Brady	017750-732	9493

7590 01/11/2008  
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EXAMINER
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BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/975,995

Applicant(s)

BRADY ET AL.

Examiner

Walter F. Briney III

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,11,12,19,25,26,29,36,37,40,76-83,86-94 and 97-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12,19,25,26,29,36,37,40,76-83,86-94 and 97-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 October 2007 has been entered.

### ***Double Patenting***

The terminal disclaimer filed 24 October 2007 has been accepted. Accordingly, the non-statutory double patenting rejections have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1-2, 11-12, 19, 25-26, 29, 36-37, 40, 76-83, 86-88, 90-94 and 97-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,619,503 (filed 11 January 1994) (herein *Dent*) in view of US Patent 5,793,253 (filed 28 April 1995) (herein *Kumar*) and further in view of US Patent 4,459,651 (filed 1 July 1982) (herein *Fenter*).**

**Claims 1-2, 11-12, 19, 25-26, 29, 36-37, 40, 76-83, 86-88, 90-94 and 97-102** are rejected for the same reasons presented in the Final Office Action filed 30 May 2007, incorporated herein by reference. Therefore, *Dent* in view of *Kumar* and further in view of *Fenter* makes obvious all limitations of the claims.

2. **Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Dent* in view of *Kumar* in view of *Fenter* and further in view of US Patent 5,911,117 (filed 14 October 1997) (herein *Bhame*).**

**Claim 89** is rejected for the same reasons presented in the Final Office Action filed 30 May 2007, incorporated herein by reference. Therefore, *Dent* in view of *Kumar* in view of *Fenter* and further in view of *Bhame* makes obvious all limitations of the claim.

### ***Response to Arguments***

Applicant's arguments filed 24 October 2007 have been fully considered but they are not persuasive.

Regarding claim 1 applicant alleges that *Dent* does not disclose means for transmitting information using a first polarization and receiving information using a second polarization to thereby isolate information transmission from information reception in full duplex communication. Arguments at 3-4 (24 October 2007). Applicant rests this allegation on the proposition that *Dent* transmits signals using two polarizations. *Dent* at col. 12 ll. 32-43, 55-67. As noted in an earlier Office Action, *Dent* not only transmits signals using two polarizations, but also receives signals using the same two polarizations. Non-Final Rejection at 9-10 (14

December 2006). Isolation occurs between transmitted information and received information, for example signals transmitted using the first polarization are isolated from the signals received using the second polarization. *Id.* The examiner concedes that information transmitted using the first polarization and information received using the first polarization are not isolated via orthogonal polarizations, however, they are isolated in frequency. *Id.* Regarding the claim language, since *Dent* transmits using two polarizations and receives using the same two polarizations, one cannot argue that the antenna arrangement of *Dent* does not provide information transmission using a first polarization and information reception using a second polarization. The only question is whether the remainder of the claim excludes from its ambit the transmission of information using the second polarization and reception of information using the first polarization. The only relevant language, “to thereby isolate information transmission from information reception in full duplex communication,” does not affirmatively answer the question. Instead, the language merely explicates the effect of providing transmission using a first polarization and providing reception using a second polarization: the information transmitted with the first polarization is isolated from the information received with the second polarization. The examiner showed this isolation effect to be true for the *Dent* arrangement. *Id.* Notwithstanding the foregoing claim construction, because the *means for* information transmission/reception is a structural element, apparently invoking construction under 35 U.S.C. § 112, ¶ 6, the means for need only be rejected by a prior art element that has the same physical structure. Applicant’s specification defines the information transmission/reception means as a dual polarization antenna. Specification at 2 (15 October 2001). *Dent* likewise discloses a dual polarization antenna. *Dent* at col. 12 ll. 32-34. Because *Dent* discloses the same type of antenna

as applicant designates as an information transmission/reception means, *Dent* discloses the claimed information transmission/reception means.

Applicant alleges that *Fenter* does not disclose a DC voltage regulator for providing at least two DC output voltages and inhibiting a first of said two DC voltage outputs when a second of said two DC voltage outputs is above a predetermined threshold. Arguments at 5 (24 October 2007). Applicant cites col. 2 ll. 1-16 of *Fenter* and notes that the cite does not support the features applicant alleges *Fenter* does not disclose. Examiner agrees, however, the cited portion of *Fenter* was not relied upon for the claim limitations at issue. Instead, the examiner cited to both col. 8 ll. 52-66 & fig.2 of *Fenter* which examiner showed to teach the claim limitations at issue. Applicant further airs at length about both the instant invention and *Fenter* but only appears to draw the distinction that *Fenter* has an AC input while the instant invention has a DC input. However, node OP+ of *Fenter* is a converted DC input to the remainder of the circuit elements. *Fenter* at fig.2. OP+ is regulated by the remainder of the circuit to generate a stable +24V reference and stable +5V reference. *Id.*

### ***Conclusion***

This is a request for continued examination of applicant's earlier Application No. 09/975,995. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to be 'Sinh Tran', with a long horizontal stroke extending to the right.

**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

/wfb/  
1/7/08